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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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*Ex parte* Strawder, Glenn G.

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Application 09/865,696  
Technology Center 3600

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Mailed: July 6, 2010

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DECISION ON PETITION

This is a decision on the issue presented by the letter from Appellant's Counsel of June 18, 2010 and attachments. The letter will be treated as a petition to the Chief Administrative Patent Judge under 37 C.F.R. § 41.3 seeking supervisory review. (Petition).

FINDINGS

1. On June 8, 2010, the Office issued a communication dismissing the appeal in this application because of Appellant's repeated failure to correct the Claims Appendix of the Appeal Brief.
2. On June 18, 2010, Appellant filed a letter to which was attached a corrected Claims Appendix for the Appeal Brief.

### DISCUSSION

Although previously Appellant repeatedly failed to correct the Claims Appendix, it is clear that Appellant's previous attempts in that regard were good faith efforts to do so. Accordingly, the dismissal of the appeal on June 8, 2010 is deemed premature and inappropriate.

### DECISION

In view of the foregoing, the Petition is GRANTED, and the appeal is being forwarded to the Examiner for preparation of the Examiner's Answer and/or other appropriate action.

  
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Michael R. Fleming

Chief Administrative Patent Judge

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